REMARKS

Claims 1-4, 7-32, 34-37 and 39-41 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 7, 28 and 34-37 have been amended as shown on pp. 2-7 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 7, 10, 16, 19, 25, 28, 34 and 36 Under 35 U.S.C §112

Claims 1, 7, 10, 16, 19, 25, 28, 34, 36 and 37 stand rejected under 35 U.S.C §112, first paragraph, as failing to comply with the written description requirement. Withdrawal of this rejection is requested for at least the following reasons: Claims 1, 7, 10, 16, 19, 25, 28, 34, 36 and 37 are described in the specification and drawings in a manner sufficient to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

> To satisfy the written description requirement, a patent specification must describe the claimed invention ***in sufficient detail*** that one skilled in the art can reasonably conclude ***that the inventor had possession of the claimed invention***. See, e.g., *Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116. An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, ***structures***, ***figures***, ***diagrams***, and formulas that fully set forth the claimed invention. Furthermore, "[a]s a general rule, where software constitutes part of … an invention, ***description*** of such [part] ***is satisfied by a disclosure of the functions of the software***. This is because, normally, writing code for such software is within the skill of the art, not requiring undue experimentation, once its functions have been disclosed." *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997); MPEP 2163 section I.A.

Thus, each word of a claim need not be repeated verbatim within the Specification as filed in order to meet the written description requirement of **35 U.S.C. §112**. Rather, applicants' need

merely show that ***one of skill in the art can reasonably conclude that the inventors had possession of the claimed invention***. To show such possession:

> an applicant may show possession of an invention by disclosure of drawings … that are sufficiently detailed to show that applicant was in possession of the claimed invention as a whole. *See*, e.g., *Vas-Cath*, 935 F.2d at 1565, 19 USPQ2d at 1118 ("***drawings alone may provide a 'written description'*** of an invention as required by Sec. 112"); *Autogiro Co. of America v. United States*, 384 F.2d 391, 398, 155 USPQ 697, 703 (Ct. Cl. 1967) ("In those instances where a visual representation can flesh out words, ***drawings may be used in the same manner*** and with the same limitations ***as the specification***."

The relevant case law, as well the MPEP, make clear that figures, drawings and diagrams as well as the written description of the patent application as filed are utilized to show possession of a claimed invention. With regard to claim 1, Figure 1 depicts a data gathering service component 116 communicatively coupled with a set of systems 106, 108, 110, 112. It is submitted that the function of the data gathering service component 116 can include at least data gathering, as specified by the name of the component 116. Accordingly, it is further submitted that Figure 1 adequately depicts and shows possession of a data gathering component that gathers data "corresponding to a system component that resides on a first networked system [*e.g.*, system 1 106] and to a system component that resides on a second network system (*e.g.*, system 2 108), the second networked system is external to the first networked system… [*e.g.*, represented by separate system blocks 106, 108 of the block diagram 100 of Figure 1]".

Furthermore, it is submitted that one of ordinary skill in network database design or network data aggregation would understand that networked systems, such as systems 106, 108, 110, 112, can inherently comprise components to perform functions of those systems 106-112. The specification at page 9 lines 27-29 calls out several example functions, such as to "generate health, performance, usage, and other data that enables an administrative agent to monitor control, and report different aspects of the systems 106-112." At page 8, lines 3-7 of the Specification as originally filed, the term component is described as a computer-related entity, either hardware, a combination of hardware and software, software, or software in execution. For example, a component may be, but is not limited to being, a process running on a processor, a processor, an object, an executable, a thread of execution, a service, a program, or a computer.

It is submitted that any of the foregoing examples of a 'component' would be recognized by one of ordinary skill in the above ore related arts as potential components for performing the functions of systems 106-112. Accordingly, it is submitted that Figure 1 and the associated description thereof is sufficient to show possession of "a component that obtains system data corresponding to a system component that resides on a first networked system and to a system component that resides on a second networked system..." as recited in the first stanza of claim 1.

Claim 28 recites a computer-implemented method comprising similar language recited by claim 1 and rejected under **§112** by the Final Office Action. Specifically, claim 28 recites in part "...obtaining system data corresponding to a system component that resides on a first networked system and a system component that resides on a second networked system, the first and second networked systems do not share a direct communication link...". It is submitted that Figures 9 and Figures 1 adequately show possession of at least this recited language of claim 28. Specifically, Figure 9 at 902 discloses obtaining data from at least one system data source. Furthermore, as discussed above, Figure 1 depicts a data gathering component communicatively coupled with multiple networked systems 106-112. As described in the written description of Figure 1, the systems can perform various functions (*e.g.*, generate health, performance, usage, *etc.*, *see* page 9 lines 27-29) which one of ordinary skill in the art could interpret as being implemented by components of the systems 106-112. Accordingly, it is submitted that Figures 1 and 9, and the pertinent descriptions thereof, show adequate possession of the subject matter recited by claim 28, as required by **35. US.C. §112**. Furthermore, similar language is recited by claim 34. Specifically, claim 34 recites in part "... means for obtaining system data corresponding to at least a subset of a plurality of system components that reside on a first networked system and a second networked system, the system data contains at least information regarding utilization of system resources...". Based at least on the foregoing comments with respect to claims 1 and 28, it is submitted that the originally filed specification and drawings adequately show possession of the subject matter recited by claim 34.

Furthermore, with regard to claims 7, 10, 16, 19, 25, and 36, a description as filed is presumed to be adequate unless or until sufficient evidence or reasoning to the contrary has been presented to rebut the presumption (see MPEP 2163 section III. A). No evidence is presented in the Final Office Action that suggests inadequacy of the written description with respect to claims 7, 10, 16, 19, 25 and 36, other than that already addressed above in the respective independent

claims 1, 28 and 34. Thus, it is submitted that the written description and drawings as filed adequately support claims 7, 10, 16, 19, 25, and 36, fulfilling the requirements of **35. US.C. §112**. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-4, 7-32, 34-37, and 39-41 Under 35 U.S.C. §103(a)

Claims 1-4, 7-32, 34-37, and 39-41 stand rejected under 35 U.S.C. §103(a) over Rayes et al. (US 2005/0086502 A1, hereinafter Rayes), in view of See et al. (US 2003/0021283 A1, hereinafter See). Withdrawal of this rejection is respectfully requested for at least the following reason: Rayes and See, either alone or in combination, do not teach or suggest each and every feature recited in claims 1-4, 7-32, 34-37, and 39-41.

> "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). ***[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations.*** *See* MPEP § 706.02(j). *See also KSR Int'l Co. v. Teleflex, Inc.*, 550 U. S. 398, 04-1350, slip op. at 14 (2007). [A] teaching or suggestion to make the claimed combination and [a] reasonable expectation of success must be found in the prior art and not based on applicant's disclosure. *See In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed subject matter generally relates to gathering and aggregating data relating to the health, performance, and utilization of a plurality of networked systems, and utilizing the aggregated data to generate outputs relating to the state of at least one of the networked systems. The outputs can be used to notify a user (*e.g.* a system administrator) of potential problems detected on one or more systems, generate reports based on the data, and provide automatic control of aspects of the networked system in response to the detected system state. The output can also be used to automatically limit utilization of one or more aspects of the system. For example, the system can monitor and limit overall bandwidth usage, e-mail, fax, or Internet usage. Furthermore, the claims recite aggregation of system data of multiple systems and output corresponding to respective states of a subset of components of a plurality of networked systems. Thus, the subject claims can enable a system administrator to obtain state data compiled for multiple systems, significantly reducing overhead in applying data compilation to multiple independent systems and manually aggregating that data.

In particular, claim 1 recites, in part, a system comprising a component that obtains system data corresponding to a system component that resides on a first networked system and to a system component that resides on a second networked system… and an aggregator that ***aggregates the system data*** corresponding to the first networked system and the second networked system in accordance with predetermined rules, analyzes at least a subset of the system data and ***generates an output comprising hidden information identified via data mining that cross-correlates system data of the first and second networked systems and corresponding to respective states of a subset of components*** of the first and second networked systems, the output is utilized to automatically limit utilization of at least one aspect of the first or second networked system ***according to a defined limit on the aggregate utilization*** of resources of at least one such system. These claimed features provide for identifying potential system errors, error states, system health problems, or the like, based on aggregated data of multiple networked systems. Furthermore, based on this aggregated data, an output is generated and utilized to limit utilization of aspects of one of the networked system based on a defined limit for aggregate utilization (*e.g.*, utilization of a combination of fax and Internet services) of system resources.

The cited art does not teach or suggest the above claimed features. Rayes relates to a security management system that can monitor a system's network health and security alerts, and use this information to take corrective measures against malicious activity by a system user. However, these corrective measures are not applicable to a plurality of networked systems. Specifically, Rayes discloses no mechanism by which data from a plurality of systems can be collected and aggregated into aggregate system data. Furthermore, Rayes does not disclose or suggest analyzing the aggregate system data and outputting respective states of the different systems. This provides a significant advantage to a system user, who might otherwise have to manually access and call up system state information of several systems, losing valuable time in recognizing and correcting errors. The system of claim 1 on the other hand, provides an output comprising respective states of multiple systems, which can be utilized to automatically take corrective measures for at least one of the systems. Rayes fails to disclose a system that can take corrective measures for one or more networked systems based on respective states of those systems.

Furthermore, claim 1 as amended recites limit[ing] utilization of at least one aspect of the first or second networked systems according to ***a defined limit on aggregate*** utilization of

networked system resources. As an illustrative example, the aggregate utilization can comprise a percentage of user activity on a set of network applications (*e.g.*, e-mail, Internet browser, *etc.*). Thus, as a refinement of the example, if a client device exceeds the defined limit on one of the networked systems, an aspect of the client device's access (*e.g.*, Internet browser access) can be limited. This provides a customizable response to limit particular access based on an aggregate utilization of resources. In sharp contrast to the foregoing feature, Rayes employs corrective measures targeted at individual users' risk to a single system (see at least paragraphs [0038], [0057], [0063], [0080], and [0086]). If a user poses no health risk to the system, ***no corrective action is taken*** by Rayes. Specifically, ***curtailment of a user's activity on the system is not driven by a defined limit on an aggregate utilization*** of a system(s), ***but rather is based on an alert state for the system combined with the aforementioned user risk***. Accordingly, Rayes provides no mechanism to increase efficient utilization of system resources based on a defined utilization limit, mitigate un-productivity of system users, or the like. Rayes is strictly limited to corrective action based on health risks to a system.

Furthermore, Rayes is limited to corrective action on a single system, based on activity on that system and health risks to that system. By employing aggregate system data of a plurality of systems, the subject matter recited by claim 1 is not so limited. Rather, a limit on utilization of the first networked system can be imposed based on activity conducted on the second system, aggregate utilization of the first and second systems, and so on. Rayes provides no mechanism in which this feature can be accomplished.

In addition to the foregoing, claim 1 recites ***an output comprising hidden information obtained*** **via** ***data mining that identifies trends occurring across the first and second networked systems*** (*e.g.*, see Specification, p. 13 lines 3-6). Such a feature enables problems to be discovered that would go unnoticed by analyzing data of a single system alone. Rayes necessarily cannot discover these trends and generate an output based thereon or limit utilization of system resources based thereon, because Rayes does not disclose aggregating data of multiple systems and performing data mining on the aggregated data. Accordingly, Rayes falls far short of teaching or even suggesting the features recited by claim 1.

To cure the deficiencies of Rayes, the Office Action cites See. See discloses employing a common data store for storing management policies for a set of networked systems, to mitigate redundancy involved in controlling the networked systems at a common controller (*e.g.*, *see* See

abstract, paragraphs 0004 and 0005). A networked system can access the data store and obtain policies pertinent to the accessing system, and implement those policies locally (*e.g.*, *see* See Figure 2 and related description). However, See does not disclose aggregating data corresponding to a first networked system and a second networked system and generating an output corresponding to respective states of ... the systems, as recited by claim 1. Furthermore, See does not disclose or suggest generating an output corresponding to respective states of the systems and employing the output to limit utilization of aspects of at least one system based on a defined limit on ***aggregate utilization of resources*** of at least one such system.

The Office Action seems to suggest that mere disclosure of a network of systems (*e.g.*, in See), in conjunction with a health monitor alert system employed with a single system (Rayes), necessarily discloses or suggests to one of skill in the art the novel features recited in claim 1. However, this is not the case. First, to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), each and every feature of the claimed subject matter must be disclosed within the cited art, or suggested to one of skill in the art such that modification of the art to arrive at missing features would be obvious (*see* MPEP 706.02(j); *KSR Int'l Co. v. Teleflex, Inc.*, 550 U. S. 398, 04-1350, slip op. at 14 (2007); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). Each of the claimed features is not disclosed by the cited art, however. Moreover, See teaches away from employing central processing to aggregate system data, and would not be combined with Rayes to arrive at the subject matter recited by claim 1, as discussed below.

First, it is improper under §103(a) to ignore features of the claims. However, the Final Office Action dated February 6, 2009 cites no disclosure of ***aggregated system data corresponding to a first networked system and a second networked system***. Furthermore, the Office Action cites no reference disclosing generating an output ***corresponding to respective states of a subset of components of the first and second networked systems***. In addition, the Office Action cites no reference that discloses limiting utilization of at least one aspect of the first or second networked system according to a defined limit on ***aggregate utilization*** of resources of at least one such system. Rayes does disclose aggregating data from a plurality of components of a single system, but this is not the same as aggregating data across multiple systems. As a result, the cited art is incapable of providing an output that shows respective states of the multiple systems. This can be an extremely valuable feature, saving a system

administrator significant time in troubleshooting multiple systems. Rayes would require troubleshooting of multiple systems to be done manually and sequentially, as no mechanism for aggregating data across multiple systems is provided. This is a significant practical shortcoming of Rayes.

The Final Action seems to suggest that one of ordinary skill would employ the disclosure of See to modify Rayes to arrive at the subject matter recited by claim 1. However, See expressly teaches away from such modification.

> It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention (emphasis in orginal). *See* MPEP 241.02, section VI, quoting *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Specifically, See states that a centrally managed network of disparate systems (*e.g.*, employing a simple network management protocol – see FIG. 1 of See) has significant drawbacks, such as tedious and redundant processing of configuration parameters for components of the disparate systems (*e.g.*, *see* See at paragraph 0006). Furthermore, individual configuration of managed devices can lead to inconsistent configurations, according to See *Ibid.* Furthermore, See argues specifically that centralized management of decision making policies of various devices is a drawback, because as a number of managed devices increases, processing power must increase as well, as does traffic between controlled and controlling agents. See argues that this can result in processing costs and delays in the making and enforcement of management decisions. Furthermore, it should be appreciated that the disclosure of See provides a mechanism for *obviating* aggregated control, by employing distributed processing instead. So not only does See denounce aggregated control and processing, the majority of its disclosure is spent providing mechanisms for distributed processing to counter the problems cited above. Accordingly, one of skill in the art would not combine See with Rayes to arrive at the features of claim 1 missing from the cited art, because See expressly teaches against such a combination. Accordingly, it is submitted that claim 1 is patentable over the cited art.

Independent claim 28 recites similar features as independent claim 1, which are not taught or suggested by the cited art at least for the foregoing reasons. Specifically, claim 28

recites, in part, a computer-implemented method… comprising ***obtaining system data corresponding to*** a system component that resides on ***a first networked system and*** a system component that resides on ***a second networked system***, the first and second networked systems do not share a direct communication link…, ***aggregating … at least a portion of the system data***, and [providing] an output corresponding to ***respective states*** of the subset of the system components. For similar reasons as cited above with respect to claim 1, the cited art does not disclose these features of claim 28.

Furthermore, claim 28 recites ***analyzing*** at least a portion of ***the aggregated system data based on a user control parameter*** to extract information specified by a system user from the aggregated data, ***employing the extracted information to generate [the] output***, the output comprising ***data trends obtained by data mining information pertaining to the respective states*** of the system components, utilizing the output to ***provide an automatic software update*** to at least one system component to mitigate a detected error state, and ***masking alerts associated with the error state*** when a software update is not available. Both Rayes and See are silent with regard to analyzing a portion of aggregated system data based on a user control parameter to extract information specified by a system user from the aggregated data. This feature of claim 28 enables a user (*e.g.*, a system administrator) to specify particular data deemed to be important, and have the method extract the specified data from aggregated data pertaining to the multiple systems. In addition, the output comprises hidden data obtained by data mining information pertaining to the respective states of the system components. This feature enables trends occurring across multiple systems to be analyzed and included in the output. Furthermore, that data and output can be utilized to provide an automatic software update to mitigate a detected error state in a system component. Rayes and See are silent with regard to these features as well. Moreover, claim 28 recites masking alerts associated with the error state when a software update is not available. Again, Rayes and See do not teach or disclose this feature of claim 28. Accordingly, it is submitted that claim 28 is patentable over the cited art.

Independent claim 34 recites similar features as independent claim 1, which are not taught or suggested by the cited art at least for the foregoing reasons. Specifically, claim 34 recites a system embodied on a computer-readable storage medium … comprising means for obtaining system data corresponding to at least a subset of a plurality of system components that reside on a first networked system and a second networked system … means for ***aggregating at***

least a portion of the obtained data, means for ***analyzing*** [data] to generate an output corresponding to ***respective states*** of the subset of system components of the first networked system and the second networked system, and means for automatically curtailing utilization of a resource by a first user of the networked system. As discussed above, Rayes and See do not disclose or suggest aggregating data across multiple networked systems and generating an output corresponding to respective states of the multiple systems.

Further to the above, claim 34 also recites the aggregated data is ***filtered with a user control parameter specified by a system user***, and means for analyzing the ***filtered data*** to generate the output. Accordingly, the subject matter recited by claim 34 provides for user control over network activity implemented as a result of aggregating the data across multiple systems. Specifically, the user (*e.g.*, a system administrator) can specify *via* the user control parameter what aggregated data is to be regarded as important for the output. Accordingly, the respective states will reflect desired data specified by the user. Neither Rayes nor See provide a commensurate degree of control for reporting a state of a system, let alone a plurality of such systems. Accordingly, it is submitted that claim 34 is patentable over the cited art.

Dependent claims 2-4, 7-27, 29-32, 34-37, and independent claims 39-41, incorporate each and every feature of one of the above-discussed independent claims 1, 28 or 34. Accordingly, for at least the foregoing reasons, it is respectfully submitted that claims 2-4, 7-27, 29-32, 34-37, and 39-41 are patentable over the cited art.

Further to the above, claim 7 depends directly from independent claim 1. In addition to the arguments provided above with respect to claim 1, neither Rayes nor See disclose or suggest predetermined rules [that] employ a user control parameter to filter and aggregate system data specified by a user of the system. This feature recited by claim 7 enables a user to identify important data *via* the user control parameter and have the system filter the aggregated data based on the control parameter. Accordingly, the output can reflect the data deemed important by the user, as well as the limitations imposed by the system based on the output. Although Rayes permits some degree of user control over system information, Rayes does not disclose employing user data to automatically output respective states of multiple systems, and limit system utilization based on such output. Accordingly, cited art does not teach or suggest each aspect of claim 7.

Claim 9, depends from claim 8, which depends directly from independent claim 1, and further recites [an] unprompted system component utilizes at least one of unicasting, multicasting or broadcasting techniques to send data to the component. Rayes and See do not teach or suggest these specific features of claim 9, in addition to the features of independent claim 1, which are incorporated into claim 9.

Claim 16 depends directly from claim 15, which depends directly from claim 1. In addition to the features recited by claims 1 and 15, claim 16 recites the status report (of claim 15) relating to at least one of system performance data, system health data, or system utilization data of the first and second networked systems. The cited art does not disclose a status report relating to *first and second networked systems*. Because the cited art does not disclose aggregating data of multiple networked systems, reports pertaining to only a single networked system can be provided by Rayes, requiring manual and sequential recovery of individual reports for multiple systems. This is a significant drawback of Rayes as compared with the subject matter recited by claim 16.

Claim 17 depends directly from independent claim 1 and incorporates each and every feature of claim 1. In addition, claim 17 further recites the output (of claim 1) comprising at least one schema table to provide optimal access of data relating to the output. The schema table can be employed to increase consumption of data output by the system of claim 17, further increasing utility to a system user. The cited art is wholly silent with regard to this feature, however, and therefore cannot render the benefits provided by the schema table recited in claim 17.

Claim 18 depends directly from claim 1 and further recites the output (of claim 1) utilized to detect faulty errors in at least one of the networked systems. The cited art fails to disclose this feature of claim 18. To this point, it is submitted that the Final Office Action of February 6, 2009 misconstrues Rayes. At paragraph 0047, Rayes describes a fault management system that reduces an amount of events describing the same fault being sent to external systems. This in no way teaches detecting faulty errors, however. Rayes assumes the errors are true errors, limiting only redundant output of the errors. In contrast, claim 18 discloses determining faulty errors, which are not true errors and do not pose a problem of mere redundant output. Accordingly, Rayes does not teach or suggest this feature of the subject claims. In addition, See is wholly silent with regard to this novel feature of claim 18.

Further to the above, claim 21 depends from claim 20, which depends directly from independent claim 1. Claim 21 further recites a system control parameter (of claim 20) included in the output (of claim 1) that comprises a load shed command or a load balancing command. Rayes and See are wholly silent pertaining to the specific commands or any function similar to these commands. The above Final Office Action cites to paragraphs 0055 and 00121 of Rayes in claiming that these features are disclosed in the art. However, this misconstrues the art. Paragraph 00121 merely discusses a computer comprising input and output devices, such as a mouse, trackball, *etc.* The mere fact that a computer can output data in no way discloses outputting a load shed command or a load balancing command based on the aggregated system data of claim 1.

It is a well known axiom of patent law that a broad genus should not be assumed sufficient to disclose a species of the genus (*e.g., see* MPEP 2144.08 for a discussion of obviousness in genus-species relationships). Furthermore, this is of particular force for a broad genus and a narrow species (*e.g., see* MPEP 2144.08 section II. A. 4(a)). Although there is no absolute correlation between the size of the genus and a conclusion of obviousness, the disclosed genus should enable one of skill in the art to envisage *each member* of the genus in order to render obvious each species thereof (*see In re Petering*, 301 F.2d 676, 681, 133 USPQ 75, 280 CCPA 1962 [emphasis in original]). Thus, according to the standard set out by the CCPA in *In re Petering*, one of skill in the art should be able to envisage each member of a genus for the disclosure of the genus to render obvious a claimed member of the genus. In the context of the language recited by claim 21 and that of Rayes, the genus cited by the Final Office Action is data output by a computer, at paragraphs 0055 and 00121 of Rayes. The "member" or species recited in claim 21 is a load shed command or a load balancing command. Furthermore, it is probably not feasible to imagine a broader genus than "data that can be output from a computer", as this would necessarily include any digital information, in many formats, computer languages, protocols, and the like, including user readable formats (*e.g.*, human languages). It is also submitted that a load shed command and load balancing command are but two of a very large set of commands that might be output from a computer. Accordingly, it is submitted that mere recitation of data in a cited reference completely fails to disclose outputting a load shed command or load balancing command. For this contention to be true, ***all data*** or at least a significant portion of all data that can be output by a mouse or trackball would have to at least

lead one of skill in the art to "envisage" such a command. It is submitted that such a notion is patently false on its face. Paragraph 0055, describing implementing a decision based on health of a network, is no more related to these specific features of claim 21 than the general input/output devices of paragraph 00121. Accordingly, claim 21 cannot be rendered obvious by the cited art, as the features of the claim are wholly absent in the art.

Claim 36 depends from claim 35 which depends directly from independent claim 1. Claim 36 further recites [a] state determination service (of claim 35) comprising an aggregation, analysis and control service for at least one networked system pertaining to at least one system administrator, wherein a security action is implemented by the state determination service for the first networked system or the second networked system based on an input from the at least one system administrator. Claim 36 provides a valuable mechanism for aggregating data across a plurality of networked systems, outputting a state of components of one or more of the systems based on predefined rules, and implementing a security action based on an input provided by a system administrator. In contrast, the disclosures of See and Rayes relate only to automated systems, and obviate the benefits provided by claim 36. Furthermore, the disclosures of See and Rayes do not provide or suggest any mechanism for aggregating data across multiple networked systems to implement a security action for the systems. Accordingly, it is submitted that claim 36 is not taught or suggested by the cited art, and cannot be rendered obvious thereby.

Based at least on the foregoing arguments and amendments, it is submitted that claims 1-4, 7-32, 34-37, and 39-41 are patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP503USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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